

Construction Law Committee

Memorandum of Committee Minutes

To: All Construction Law Committee Members
The Florida Bar: Real Property, Probate and Trust Law Section

From: Robert E. Doan, Secretary

Re: Meeting Minutes – October 11, 2021

RECORDING ATTENDANCE: NOTE: Recording your attendance helps track participation and gives you a record to look back on when reporting CLE. Use the link distributed by Reese Henderson on 10/10 to record your attendance for this meeting.

1. Opening: Reese Henderson (Chair) called the meeting to order at 11:32 a.m.

Vice Chairs Sanjay Kurian, Elizabeth Ferguson and Bruce Partington, and secretary Robert Doan were also in attendance.

The minutes from the September 13, 2021, meeting were distributed by Reese on 10/10 for approval today. They were approved.

2. Subcommittee Reports:

A. ABA Forum on Construction Law Liaison: Claramargaret Groover (cgroover@beckerlawyers.com) is the Forum Liaison. Michael Kamprath provided the report for Claire.

Regional meetings will be held September 30 or October 1, 2021 (day depends on location) in Denver, Nashville, New York, Los Angeles, Seattle, and Chicago.

National meetings will be held as follows:

Fall 2021 – “Effective Project Management,” is the topic. (live in Seattle: October 13-15, 2021; there is also a virtual attendance option)

The Midwinter Meeting 2022 will be held February 22-24, 2022, in San Diego. Topic: Business Issues Considered by In-House Counsel.

Annual Meeting for 2022- New York City in May 2022. Topic: In-House Counsel Summit.

All events will have virtual options for attendance.

The Trial Academy committee met and has planned their next event (mock trials and the like). The Academy is limited to 36 attorneys during events (and 24 expert witnesses). The event will take place 3/30-4/2 in Tampa. It only takes place every two years and usually fills up.

B. ADR Subcommittee: Deborah Mastin and Giselle Leonardo are co-chairs. No report this month. You can contact Deb or Giselle if you are interested in participating or if you have topics you would like to see/hear during that ADR themed presentation. deborahmastin@gmail.com or gleonardo@leonardoarbitration.com.

C. Certification Exam: Kim Hirschman (khirschman@therhlawfirm.com) is the new chair. Planning is under way for next year. No report this month.

D. Certification Review Course: Mindy Gentile (mgentile@pecklaw.com) and Elizabeth Ferguson (ebferguson@mdwcg.com) are chairs. No report this month. Past speakers will be contacted about speaking again.

E. Construction Law Institute: Jason Quintero (jquintero@carltonfields.com) is the Chair. Sanjay reported that we will be back to early/mid March. The speakers have all been set. There will be golf and reception on Thursday, full programming and a reception on Friday, and programming through lunch on Saturday. The event will be in coordination with the Certification Review Course. Sanjay reported that net revenue was down a little, likely due to the added cost of the virtual component. There will be a virtual component again this year.

F. Construction Litigation: Brett Henson (bhenson@shumaker.com) and Natalie Yello (natalie.yello@gray-robinson.com) are chairs. Brett reported that the Litigation Subcommittee continues to conduct monthly telephonic meetings on the first Thursday every month. Natalie Yello did the case law update this month. They provide monthly case law updates for members of the Subcommittee. Email Brett or Natalie if you are interested in participating with the subcommittee. The case law update tab (on the RPPTL/CLC site) will be updated with the content from the last meeting. They are looking for CLE webinar topics for the future if you are interested. The MSJ update webinar is still available for purchase online on-demand. Brett noted there has been a decent amount of activity from the Florida Supreme Court regarding procedural changes, including some proposed changes to soften the strict compliance requirements with proposals for settlement. There are additional rule/procedural changes that the subcommittee that have been proposed. Brett requested that all CLC members review the rule proposal bulletin that will be circulated and then respond to the google docs survey that Reese will circulate with comments that can be submitted to the Court.

G. Construction Regulation: Chris Cobb is the chair (CCobb@cobbgonzalez.com) and James Gonzalez (jgonzalez@cobbgonzalez.com) is co-chair. Chris reported that this subcommittee will continue to work on presenting new construction licensing issues related to contractors, architects, engineers, mostly at the state level, as well as changes to the administrative code related to licensure. Chris reported on a new case from the 3rd DCA, Rodriguez v. DBPR. The main issue was service under §455.275.

H. Construction Transaction Subcommittee. Claramargaret Groover (cgroover@beckerlawyers.com) is chair. No report this month.

The goal of this subcommittee is to provide a practical resource to construction transactional attorneys to refer to when drafting / updating / customizing standard AIA docs. There will be an annual or semi-annual report form the subcommittee that notes which cases related to certain sections of the standard AIA docs.

I. Legislative Subcommittee: Sean Mickley (sam@kirwinnorris.com) and Kelly Humphries (khumphries@gunster.com) are Co-Chairs. No report today.

J. Membership Subcommittee: The chair is David Zulian. His email address is dazulian@napleslaw.com. David reported there are currently 528 members. If you are aware of anyone that would like to become a member of the committee, let David or an officer of CLC know.

K. Newsletter: Peter Kapsales (pkapsales@milnelawgroup.com) is chair of this committee. No report this month. Articles should be 500+/- words and have far less formal requirements than Action Line or the Bar Journal. Send submissions of ideas to Peter if you are interested in submitting.

L. Pro Bono Subcommittee: Elizabeth Ferguson (ebferguson@mdwcg.com) is the chair of this new subcommittee. No report this month. The CLC has entered into an arrangement with Jacksonville Area Legal Aid (JALA) to field referrals for pro bono clients in need of assistance with construction law issues. The subcommittee is looking at forming similar arrangements with other legal aid organizations. Anyone interested in joining the subcommittee or in receiving referrals for pro bono assignments should contact Elizabeth Ferguson (ebferguson@mdwcg.com) for more information. Volunteering attorneys work in conjunction with legal aid counsel on cases.

M. Publications: Nick Elder (nelder@cobbgonzalez.com) is the new chair. Articles for Action Line should be 3000 words. October 15 will be the next ActionLine deadline. Florida Bar Journal feature articles should be 7000 words or less and columns should be 4500 or less. If you have any ideas for articles or would like to peer review articles of others, please email Nick or vice-chair Andrew Foti (ajf@katzbarron.com) for ideas or to volunteer to peer review.

N. Small Business Programs: Lisa Colon Heron (lcolon@smithcurrie.com) is the chair. No report this month.

O. Website: Hardy Roberts (hroberts@careyomalley.com) and Jade Davis (jadavis@shumaker.com) are chairs. Visit rpptl.org and you can then access the CLC webpage. The CLE credits have been updated on the website. Jade noted that you can update your profile on the website. She also noted there is an announcement section on the landing page to the website. Reese recommended that we link the CLI page to the CLC page.

P. CLE: Katie Heckert (kheckert@carltonfields.com) and Frank Moya (fmoya@carltonfields.com) are the chairs. CLE credit number have been issued in real

time as of late, including for today's meeting, which Reese circulated by email today. There are several openings for speakers in early 2022 and beyond.

You can contact Katie or Frank if you are interested in presenting in 2022 or to request a topic.

REMINDER: Each committee member is responsible for posting their own CLE credits on TFB website; neither the committee nor subcommittee can do so.

3. New Business:

4. Continuing Legal Education Presentation: (Started at 11:49 A.M. and ended at 12:50 P.M.)

Our speaker for today's CLE was Carrie Macsuga, of Oscher Consulting, who presented on "Audits and Forensic Accounting in Construction Cases." Carrie is a CPA / CFE / and CAMS, with a background in construction management.

4. Closing:

No further business was conducted after conclusion of the CLE presentation and Q & A period following. The meeting was adjourned at 12:51 p.m.

REMINDER: The next regularly scheduled meeting of the committee will be held on **Monday, November 8, 2021, beginning at 11:30 a.m., as a regular conference call.** The Zoom link and dial in information will be distributed by email from Reese Henderson prior to the meeting.